

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17935 of 2021**

Arising Out of PS. Case No.-241 Year-2020 Thana- RANIYATALAB District- Patna

Om Prakash @ Jharokha Yadav @ Jharakha Yadav Son Of Hardeo Yadav @
Hari Deo Yadav R/O Village Sardha Chhapra, P.S.- Rani Talab, District-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi, Advocate
For the Informant	:	Mr.Sanjay Kumar, APP
For the Informant	:	Mr. Raja Ram Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Rani Talab P.S. Case No. 241 of 2020
registered for the offences punishable under Section 147, 148,
149, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code
and Section 27 of the Arms Act, 1959.

As per the prosecution story, the informant is the
brother of the victim alleged that on 16.10.2020 when his
brother was putting a new door in his house then five persons



including this petitioner came and claimed that the land on which he was fixing a new door belonged to them, thereafter a dispute had arisen which resulted in assault on the victim. It is alleged that one Tunna Kumar @ Akhila Nand Yadav along with five persons had fired three bullets out of which two bullets hit on the head of the victim, thereafter the victim got admitted firstly in Primary Health Centre, Bikram and later on referred to PMCH, Patna. The informant alleged that five persons including this petitioner had killed his brother by fire-arm.

Learned counsel for the petitioner submits that from a bare reading of the First Information Report itself it would appear that altogether five persons have been named as an accused alleging that they had come to the door of the informant claiming the land in respect of which they had dispute with the informant, however in the F.I.R. there is no allegation that this petitioner was lashed with any weapon, the specific allegation of giving fire-arm shot is upon the co-accused Tunna Kumar @ Akhila Nand Yadav, learned counsel submits that petitioner has been falsely implicated in this case with the aid of Section 149 I.P.C.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer



for regular bail of the petitioner. Learned counsel for the informant submits that the petitioner was very much present at the time of the alleged occurrence.

Considering the facts and circumstances of the case wherein the specific allegation of firing has been made against co-accused Tunna Kumar @ Akhila Nand Yadav and it is his firing which has proved fatal to the brother of the informant, there is no allegation against this petitioner that he was lashed with any weapon or had committed any overt act, the petitioner has otherwise no criminal antecedent and he has remained in custody in connection with this case since 19.10.2020, investigation against him is complete, on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – II, Danapur, Patna, in connection with Rani Talab P.S. Case No. 241 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

